

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION**

VINISHION FOWLKES,

Case No. 1:10-cv-12623

Plaintiff,

Hon. Thomas L. Ludington

v.

TOWNSHIP OF BUENA VISTA, et al.

Defendants.

**ORDER DISMISSING PLAINTIFF VINISHION FOWLKES'S CLAIMS
FOR FAILURE TO PROSECUTE**

On March 8, 2011, counsel of record for Plaintiff, Joseph Ceglarek, filed a motion to withdraw [Dkt. #15]. In his motion, Mr. Ceglarek notes that as a result of the December 21, 2010 facilitation before Magistrate Judge Virginia Morgan, both plaintiffs agreed to the stipulation for dismissal of the instant case without prejudice based on newly discovered information. Plaintiff Maurice Wood entered into a stipulation for dismissal and an order for dismissal of his claims without prejudice was entered on February 1, 2011 [Dkt. #14]. Plaintiff Fowlkes has not responded to multiple correspondences and/or telephone calls from his counsel of record, nor has he responded to a certified letter seeking his authorization to enter into a stipulation to dismiss his claims without prejudice. As a result of the breakdown in communication, Mr. Ceglarek requested that the Court allow him to withdraw and that Plaintiff Fowlkes be afforded an opportunity to obtain substitute counsel.

On March 21, 2011, the Court entered an order [Dkt. #17] for Plaintiff Fowlkes and his counsel to show cause why the case should not be dismissed for failure to prosecute. Mr. Ceglarek was directed to serve his client with the Court's order and to file a proof of service. Mr. Ceglarek

filed a response to the order to show cause on March 25, 2011 [Dkt. #18], stating that it would be appropriate to dismiss the instant case without prejudice. A certificate of service was filed on April 19, 2011 [Dkt. #20], providing that Plaintiff Fowlkes had been served a copy of the Court's March 21, 2011 order via First Class Mail on March 24, 2011. Plaintiff Fowlkes did not file a response to the Court's order to show cause. Accordingly, Plaintiff Fowlkes's claims will be dismissed for failure to prosecute. *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-32 (1962).

Accordingly, it is **ORDERED** that Plaintiff Fowlkes's claims are **DISMISSED** for failure to prosecute. This resolves the last pending issue and closes the case.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: May 18, 2011

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on May 18, 2011.

s/Tracy A. Jacobs
TRACY A. JACOBS